

02/25/2021

Re. **King Driveway**

Camino Real Ranger District
.73 miles of driveway off NM76
Rio Arriba County, NM
Sec. 33, T22N, R12E.

Melinda King and family seek authorization to use National Forest lands within the Camino Real Ranger District, Carson National Forest to access private property by way of an existing road approximately .73 miles long, 20 feet wide. Existing drainage features include a bar ditch, armored/hardened drainages, and one culvert. The road is currently maintained by the landowner to include gravel surfacing, blading, and snow removal during the winter.

To Whom It May Concern:

I. National Historic Preservation Act (NHPA) Sec. 106 Exemption for Use Permitting

In accordance with *FIRST AMENDED PROGRAMMATIC AGREEMENT REGARDING HISTORIC PROPERTY PROTECTION AND RESPONSIBILITIES AMONG NEW MEXICO HISTORIC PRESERVATION OFFICER AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION AND UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE REGION 3; APPENDIX A.II.A. (CONSULTATION REQUIREMENTS; Exemptions; Permits, easements, rights-of-way, and leases that do not authorize surface disturbance or have the potential to affect historic structures or traditional cultural properties)*, the following Forest Service activities are exempt from further review and consultation as this class of undertaking has predictable effects and a very low likelihood of affecting historic properties.

This exemption is intended to address related National Environmental Policy Act (NEPA) analysis resulting in a Categorical Exclusion (CE) decision to issue a Special Use Permit (SUP) for the aforementioned road/driveway, already in existence.

II. NHPA Sec. 106 Exemption for Maintenance Permitting

Permit issuance and resulting ground disturbance for the aforementioned driveway/road is hereby authorized in accordance with *FIRST AMENDED PROGRAMMATIC AGREEMENT REGARDING HISTORIC PROPERTY PROTECTION AND RESPONSIBILITIES AMONG NEW MEXICO HISTORIC PRESERVATION OFFICER AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION AND UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE REGION 3; APPENDIX A.III.B. (CONSULTATION REQUIREMENTS; Screened Exemptions; Road Maintenance)*:

“Routine road maintenance in the existing road prism where work is within previously maintained surfaces, ditches, culverts, and cut and fill slopes and where there are no known historic properties or historic properties would not be affected because proposed work is clearly within disturbed contexts. In reviewing road maintenance projects, Forest Archaeologists will consider:

1. the nature and location of the road
2. the specific maintenance activities proposed
3. the presence or absence of known sites within or immediately adjacent to the road right-of-way
4. site density or other local factors that might raise historic property concerns about a specific project”

Past archeological surveys pertinent to NHPA Sec. 106 exemption:

- R1989-0302-58 / Simsovic Access Road
- R2010-0302-01 / Kit Carson Electric Cooperative Fiber Line Installation
- R2010-0302-86C / Rio de las Trampas CFRP

Respectfully,



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